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Docket No.: 6001.1040  
Date: July 20, 2007

In re application of: Michael Lee HEARN  
Serial No.: 09/533,685  
Filed: March 23, 2000  
For: DOUBLE-CUT FOLDER WITH COMBINATION CUT AND NIP CYLINDER

Sir:

Transmitted herewith is an **AMENDED APPELLANT'S BRIEF UNDER 37 C.F.R. §41.37** (20 pages) in the above-identified application.

- ☒ Also transmitted herewith are:
- ☐ Petition for extension under 37 C.F.R. 1.136
  - ☒ Return Receipt Postcard
  - ☐ Other:
- ☐ Check(s) in the amount of **\$0.00** is/are attached to cover:
- ☐ Filing fee for additional claims under 37 C.F.R. 1.16
  - ☐ Petition fee for extension under 37 C.F.R. 1.136
  - ☐ Other:
  - ☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
  - ☒ Any patent application processing fees under 37 C.F.R. 1.17.
  - ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on July 20, 2007.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
Danielle Sullivan



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Re: Application of: Michael Lee HEARN  
Serial No.: 09/533,685  
Filed: March 23, 2000  
For: DOUBLE-CUT FOLDER WITH COMBINATION CUT  
AND NIP CYLINDER  
Art Unit: 3724  
Examiner: Kenneth E. Peterson  
Confirmation No.: 9876  
Docket No: 6001.1040  
Customer No.: 23280

Mail Stop: APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 20, 2007

**AMENDED APPELLANT'S BRIEF UNDER 37 C.F.R. §41.37**

Sir:

Appellant submits this brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of his appeal of the Final Rejection dated October 25, 2006, in this application. The appeal has been amended in response to the Notification of Non-Compliance dated June 21, 2007. The statutory fee of \$500.00 was paid with the initial submission of the Appeal Brief dated March 29, 2007. No fees are believed due at this time.

### 1. REAL PARTY IN INTEREST

The real party in interest is Goss International Americas Inc., a corporation having a place of business at Dover, New Hampshire, the assignee of the entire right, title and interest in the above-identified patent application. The invention was assigned to Goss International Americas Inc. by a chain of assignments originating from inventor Hearn.

### 2. RELATED APPEALS AND INTERFERENCES

Appellant, his legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

### 3. STATUS OF CLAIMS

Claims 1 to 21, 31 to 32 and 39 have been canceled. Claims 22 to 30, 33 to 38 and 40 are pending.

Claims 22 to 30 and 33 to 38 and 40 have been finally rejected as per the Final Office Action dated October 25, 2006.

The rejection of claims 22 to 30, 33 to 38 and 40 thus is appealed. A copy of appealed claims 22 to 30, 33 to 38 and 40 is attached hereto as Appendix A.

### 4. STATUS OF AMENDMENTS AFTER FINAL

In response to the Final Office Action dated October 25, 2007, claims 25 and 36 were amended for informalities. The amendments were entered by the Advisory Action of February 8, 2007.

A Notice of Appeal was filed on January 25, 2007, and received by the U.S.P.T.O. on January 29, 2007.

## 5. SUMMARY OF THE INVENTION

Independent claim 22 recites a cutting and nipping device for cutting and nipping a web (e.g. 101 in Figure 1, e.g. specification at page 4, line 28), comprising a first cutting cylinder (e.g. 3 in Figure 1, e.g. specification at page 4, line 28) having a first segmented cutting blade (e.g. 4 in Figures 1 and 3, and specification at page 5, line 1) with axially spaced first blade edges (e.g. 45 in Figure 3, e.g. specification at page 5, line 9 and page 7, line 29) and having first blade sides (e.g. 203 in Figure 5, see, e.g. specification page 5 at lines 8 to 11) and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides (e.g. 203 in Figure 5, see, e.g. specification page 5 at lines 8 to 11) and a first anvil cylinder (e.g. 2 in Figure 1, see, e.g. page 5 at line 3) having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder (e.g. 202 in Fig. 5 and page 5, lines 6 to 8); the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web (e.g. 1 in Figure 1, and specification at page 5, line 4) about the first segmented cutting blade (e.g. 4 in Figures 1 and 3, and specification at page 5, lines 1 and 4); the first blade edges (e.g. 45 in Figure 3, e.g. specification at page 5, line 9 and page 7, line 29) extending radially beyond the first cutting cylinder nipping surface when the first blade edges (e.g. 45 in Figure 3, e.g. specification at page 5, line 9 and page 7, line 29) are apart from the first anvil cylinder (e.g. 2 in Figure 1, see, e.g. page 5 at line 3).

Independent claim 33 recites a cutter for a web printing press, comprising: a first cutting and nipping device for partially cutting and nipping a web (e.g. 101 in Figure 1, e.g. specification at page 4, line 28), the first cutting and nipping device having a first cutting cylinder (e.g. 3 in Figure 1, e.g. specification at page 4, line 28), the first cutting cylinder having a first segmented cutting blade (e.g. 4 in Figures 1 and 3, and specification at page 5, line 1) with axially spaced first blade edges (e.g. 45 in Figure 3, e.g. specification at page 5, line 9 and page 7, line 29) and having first blade sides (e.g. 203 in Figure 5, see, e.g. specification page 5 at lines 8 to 11) and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides (e.g. 203 in Figure 5, see, e.g. specification page 5 at lines 8 to 11); and a first anvil cylinder (e.g. 2 in Figure 1, see, e.g. page 5 at line 3), the first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder (e.g. 202 in Fig. 5 and page 5, lines 6 to 8); the first cutting cylinder nipping surface and the first anvil

cylinder nipping surface providing a first nip for web (e.g. 1 in Figure 1, and specification at page 5, line 4) about the first segmented cutting blade (e.g. 4 in Figures 1 and 3, and specification at page 5, lines 1 and 4).

Independent claim 40 recites a cutting and nipping device for cutting and nipping a web (e.g. 101 in Figure 1, e.g. specification at page 4, line 28), comprising: a first cutting cylinder (e.g. 3 in Figure 1, e.g. specification at page 4, line 28) having a first segmented cutting blade (e.g. 4 in Figures 1 and 3, and specification at page 5, line 1) with axially spaced first blade edges (e.g. 45 in Figure 3, e.g. specification at page 5, line 9 and page 7, line 29) and first blade sides (e.g. 203 in Figure 5, see, e.g. specification page 5 at lines 8 to 11) and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides (e.g. 203 in Figure 5, see, e.g. specification page 5 at lines 8 to 11); and a first anvil cylinder (e.g. 2 in Figure 1, see, e.g. page 5 at line 3) having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder (e.g. 202 in Fig. 5 and page 5, lines 6 to 8); the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web (e.g. 1 in Figure 1, and specification at page 5, line 4) about the first segmented cutting blade (e.g. 4 in Figures 1 and 3, and specification at page 5, lines 1 and 4), the first cutting cylinder nipping surface being urethane.

## 6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 22, 26 and 33 should be rejected under 35 U.S.C. §102(b) as being anticipated by Bussey III, et al. (US 6,418,827).

Whether claims 22, 26, 28, 30, 33 and 36 should be rejected under 35 U.S.C. §102(b) as being anticipated by Wolfberg et al. (US 3,866,497).

Whether claims 22, 26, 28 and 33 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Brown (US 2,951,410) in view of Jespersen (US 4,142,431).

Whether claims 22, 26, 28, 30, 33 and 36 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus (US 3,921,481) in view of Wolfberg et al. (US 3,866,497).

Whether claim 26 should be rejected under 35 U.S.C. § 103(a) as being unpatentable over Bussey III et al. (US 6,418,827) in view of Henc (US 3,119,312) or Sauer (US 3,522,762).

Whether claims 26 and 28 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Wolfberg et al. (US 3,866,497) in view of Henc (US 3,119,312) or Sauer (US 3,522,762).

Whether claims 26 and 28 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus (US 3,921,481) in view of Wolfberg et al. (US 3,866,497) and in further view of Henc (US 3,119,312) or Sauer (US 3,522,762).

Whether claims 26 and 28 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Brown (US 2,951,410) in view of Jespersen (US 4,142,431) and in further view of Henc (US 3,119,312) or Sauer (US 3,522,762).

Whether claims 23, 27, 29, 34, 37 and 40 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus (US 3,921,481) in view of Wolfberg et al. (US 3,866,497) (with or without Henc (3,119,312) and Sauer (3,522,762)) and in further view of Brown (US 2,951,410).

Whether claims 24, 25, 35 and 38 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus (US 3,921,481) in view of Wolfberg et al. (US 3,866,497) (with or without Henc (3,119,312) and Sauer (3,522,762)) and in further view of Kirkpatrick, Jr. et al. (US 6,435,069).

Whether claims 23, 24, 27, 29, 34, 35 and 40 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Brown (US 2,951,410) in view of Jespersen (US 4,142,431) (with or without Henc (3,119,312) and Sauer (3,522,762)) and in further view of Irsik (US 5,967,512).

## 7. ARGUMENTS

### 35 U.S.C. §102(b) Rejections

#### Bussey, III et al.

Claims 22, 26 and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by Bussey, III et al. (U.S. 6,418,827).

Bussey, III et al. discloses a “perforator roll 51 opposite the brush roll 45 for imparting at least a transversely disposed line of perforations in the web 15 passing between the rolls 45, 51

with the brush roll in the raised position.” See col. 5, lines 47 to 52. “The brush roll 45 may be formed of a plurality of upstanding filaments so as to provide a suitable surface for gently supporting the traveling web 15 and for rotating therewith.” See col. 5, lines 43 to 46.

Claim 22 recites a cutting and nipping device for cutting and nipping a web, comprising:

a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade,

the first blade edges extending radially beyond the first cutting cylinder nipping surface when the first blade edges are apart from the first anvil cylinder.

Claim 33 recites a cutter for a web printing press, comprising:

a first cutting and nipping device for partially cutting and nipping a web, the first cutting and nipping device having:

a first cutting cylinder, the first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder, the first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for web about the first segmented cutting blade.

Bussey, III et al. does not show or teach “a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder.” The brush roll in Bussey, III et al. is not an anvil cylinder. Furthermore, neither the brush roll nor the filaments of the brush roll include a “first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder.” The brush roll is not an anvil cylinder and the filaments do not form a nipping surface extending circumferentially about the first anvil cylinder.

The term nip was clearly addressed by the Board of Appeals on page 5 of the previous Board decision dated January 18, 2006. Brush roll filaments do not define a nipping surface.

Withdrawal of the rejections to the claims under 35 U.S.C. §102(b) is respectfully requested.

*Claim 26: Argued Separately*

With further respect to claim 26, claim 26 recites “the first cutting cylinder includes a two-part metallic hub.” Bussey, III et al. discloses a perforator roll. There is no disclosure of a two-part metallic hub, nor is there any disclosure that a hub is metallic.

Withdrawal of the rejection to the claim 26 under 35 U.S.C. §102(b) is respectfully requested.

Wolfberg et al

Claims 22, 26, 28, 30, 33 and 36 were rejected under 35 U.S.C. §102(b) as being anticipated by Wolfberg et al.(U.S. 3,866,497).

Claims 22 and 33 are recited above.

The Examiner, now at page 10 of the Final Office Action, suggests adding language that is not necessary.

Claims 22 and 33 have every limitation that was before the Board and were allowed over Wolfberg et al. Claims 22 and 33 were fully argued and everyone up to this stage, including the Board, the Applicant and the previous Examiner have agreed on the definition of nip. (See prior Office Action of May 15, 2006, paragraph 1). To require new claim language after having given a final rejection is unfair and prejudicial. Moreover, claims 22 and 33 are patentable over Wolfberg et al. as per the previous board decision dated January 18, 2006, and the Patent Office is estopped from giving new arguments at this stage. See MPEP 1214.04. The exact same arguments in the previous appeal are presented again by the Patent Office.

Wolfberg et al. does not disclose the nipping surface as claimed.

Withdrawal of the rejections to the claims under 35 U.S.C. §102(b) is respectfully requested.



35 U.S.C. §103(a) Rejections

Brown in view of Jespersen

Claims 22, 26, 28 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown (U.S. 2,951,410) in view of Jespersen (U.S. 4,142,431).

Brown discloses a tape cutter for cutting chaff tape and the like into predetermined lengths for uninterrupted disposal thereof. As shown in Fig. 5 of Brown, the tape is completely cut.

Jespersen discloses a dispenser for flexible sheet material such as paper toweling.

Claim 22 recites a cutting and nipping device for cutting and nipping a web, comprising:

a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade,

the first blade edges extending radially beyond the first cutting cylinder nipping surface when the first blade edges are apart from the first anvil cylinder.

Claim 33 recites a similar limitation, “a first cutting cylinder, the first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides.”

Neither Brown nor Jespersen disclose “a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides.” In Brown, the tape is completely cut. There is no reason to have a “segmented cutting blade” and there is no reason to perforate the tape. Jespersen discloses a paper towel dispenser. There also is no reason to modify Brown with Jespersen.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

Marcus in view of Wolfberg et al

Claims 22, 26, 28, 30, 33 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus (U.S. 3,921,481), in view of Wolfberg et al. (U.S. 3,866,497).

Marcus discloses a cutting cylinder 14 and a rubber cheeks 40, 46. The folding and cutting cylinders are rotated in unison and web 52 is passed therebetween and forced into the cutting knife which cuts the web. The paper compresses the extensions of the cheeks. (Col 3. Lines 50 to 55).

Wolfberg et al. is discussed above.

Claim 22 recites a cutting and nipping device for cutting and nipping a web, comprising:

a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade,

the first blade edges extending radially beyond the first cutting cylinder nipping surface when the first blade edges are apart from the first anvil cylinder.

Claim 33 recites similar limitations, “the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for web about the first segmented cutting blade” and “a first cutting cylinder nipping surface extending circumferentially.”

Marcus does not show “the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade.” The cutting cylinder does not have a nipping surface. The cheeks in Marcus are not the cutting cylinder and do not extend “circumferentially about the first cutting cylinder.” Furthermore, Marcus does not show a “first segmented cutting blade” nor is there any reason to perforate in this embodiment. Nor does Wolfberg et al. provide any teaching to modify Marcus, and does not show a nipping surface as claimed. Moreover, the Examiners assertion on page 5 of the Office Action that “it is well known for machines of this type to employ perforating blades so

that a large number of products can be rolled together, shipped, and later detached by the user,” is not understood. Perforation in printing presses is usually used in double cut devices. A full cut is still desired, but double cutting can improve holding of the signatures. There is no teaching or desire to ship products together until needed and this can be done in any event with full cuts.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

*Claim 36: Argued Separately*

With further respect to claim 36, claim 36 as amended recites a second cutting and nipping device for cutting and nipping the web, the second cutting and nipping device having:

a second cutting cylinder, the a second cutting cylinder having a second segmented cutting blade with axially spaced second blade edges and a second cutting cylinder nipping surface extending circumferentially about the second cutting cylinder from the second blade edges; and

a second anvil cylinder, the second anvil cylinder having a second anvil cylinder nipping surface extending circumferentially about the second anvil cylinder; the second cutting cylinder nipping surface and the second anvil cylinder nipping surface providing a second nip for the web about the second segmented cutting blade.

Marcus does not show a second cutting cylinder or a second anvil cylinder. Nor is there any reason to so modify Marcus with Wolfberg et al.

Withdrawal of the rejection to the claim 36 under 35 U.S.C. §103(a) is respectfully requested.

Bussey, III et al, in view of Henc or Sauer

Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bussey, III et al. (U.S. 6,418,827), in view of Henc (U.S. 3,119,312) or Sauer (U.S. 3,522,762).

Bussey, III et al. is discussed above.

Henc discloses a die cutting apparatus for cutting, scoring or blanking stock material.

Sauer discloses a rotary anvil structure which includes two rotary slot anvils 12 having resilient covers 13 and two intermediate rotary anvils 14 having resilient covers 15.

There is absolutely no reason to combine the perforator roll in Bussey, III et al. with the die cutting apparatus in Henc or rotary die cutter in Sauer.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

Wolfberg et al in view of Henc or Sauer

Claims 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wolfberg et al. (US 3,866,497) in view of Henc (U.S. 3,119,312) or Sauer (U.S. 3,522,762). All of the references are discussed above.

There is absolutely no reason to combine Wolfberg et al. with the die cutting apparatus in Henc or rotary die cutter in Sauer.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

Marcus in view of Wolfberg and in further view of Henc or Sauer

Claims 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus (US 3,921,481) in view of Wolfberg et al. (US 3,866,497) and in further view of Henc (US 3,119,312) or Sauer (US 3,522,762).

All of the references are discussed above.

There is absolutely no reason to combine Marcus and Wolfberg et al. with the die cutting apparatus in Henc or rotary die cutter in Sauer.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

Brown in view of Jespersen and further in view of Henc or Sauer

Claims 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown (U.S. 2,951,410) in view of Jespersen (U.S. 4,142,431) and further in view of Henc (U.S. 3,119,312) or Sauer (U.S. 3,522,762).

All of the references are discussed above.

There is absolutely no reason to combine Brown and Jespersen with the die cutting apparatus in Henc or rotary die cutter in Sauer. The proposed motivation is not found in the prior art and not understood.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

Marcus in view of Wolfberg et al and further in view of Brown

Claims 23, 27, 29, 34, 37 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus (U.S. 3,921,481) in view of Wolfberg et al. (U.S. 3,866,497) (with or without Henc (3,119,312) and Sauer (3,522,762)) and further in view of Brown (U.S. 2,951,410).

All of the references are discussed above.

Claim 40 recites a cutting and nipping device for cutting and nipping a web, comprising:  
a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and  
a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;  
the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade, the first cutting cylinder nipping surface being urethane.

There is absolutely no reason to combine the references, and no motivation is provided to use urethane.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

Marcus in view of Wolfberg et al and further in view of Kirkpatrick, Jr. et al.

Claims 24, 25, 35 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus (U.S. 3,921,481) in view of Wolfberg et al. (U.S. 3,866,497) (with or without Henc (3,119,312) and Sauer (3,522,762)) and further in view of Kirkpatrick, Jr. et al. (U.S. 6,435,069).

Marcus, Wolfberg et al., Henc and Sauer are discussed above.

Kirkpatrick, Jr. et al. discloses cutting covers, locking mechanism for such covers, and methods for making a cutter cover.

There is absolutely no reason to combine the references. Marcus has no need or desire for a urethane anvil.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

Brown in view of Jespersen and further in view of Irsik

Claims 23, 24, 27, 29, 34, 35 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown (U.S. 2,951,410) in view of Jespersen (U.S. 4,142,431) (with or without Henc (3,119,312) and Sauer (3,522,762)) and further in view of Irsik (U.S. 5,967,512).

Brown, Jespersen, Henc and Sauer are discussed above.

Irsik discloses a nip roller adjustment assembly includes a support assembly suspended on a frame for accurately, precisely and easily adjusting one nip roller with respect to the other nip roller.

There is absolutely no reason to combine the references.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

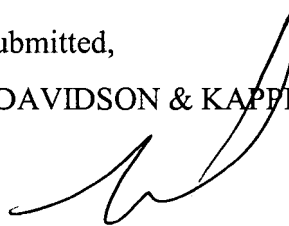
**CONCLUSION**

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this appeal brief is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: \_\_\_\_\_



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**APPENDIX A:**

APPEALED CLAIMS 22 TO 30, 33 TO 38 AND 40 OF  
U.S. APPLICATION SERIAL NO. 09/533,685

Claim 22: A cutting and nipping device for cutting and nipping a web, comprising:

a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade,

the first blade edges extending radially beyond the first cutting cylinder nipping surface when the first blade edges are apart from the first anvil cylinder.

Claim 23: The cutting and nipping device as recited in claim 22 wherein the first cutting cylinder nipping surface has a urethane outer coating.

Claim 24: The cutting and nipping device as recited in claim 22 wherein the first anvil cylinder nipping surface has a urethane outer coating.



Claim 25: The cutting and nipping device as recited in claim 24 wherein urethane outer coating is continuous.

Claim 26: The cutting and nipping device as recited in claim 22 wherein the first cutting cylinder includes a two-part metallic hub.

Claim 27: The cutting and nipping device as recited in claim 26 wherein the first cutting cylinder nipping surface has a urethane outer coating, and wherein the urethane outer coating is bonded to the outer surface of the hub.

Claim 28: The cutting and nipping device as recited in claim 22 wherein the first anvil cylinder includes a two-part metallic hub.

Claim 29: The cutting and nipping device as recited in claim 28 wherein the first cutting cylinder nipping surface has a urethane outer coating, and wherein the urethane outer coating is bonded to the outer surface of the hub.

Claim 30: The cutting and nipping device as recited in claim 22 wherein the first cutting cylinder has a second segmented cutting blade spaced 180 degrees apart from the first segmented cutting blade.

Claim 33: A cutter for a web printing press, comprising:

a first cutting and nipping device for partially cutting and nipping a web, the first cutting and nipping device having:

a first cutting cylinder, the first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder, the first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for web about the first segmented cutting blade.

Claim 34: The cutter as recited in claim 33 wherein the first cutting cylinder nipping surface has a urethane outer coating.

Claim 35: The cutter as recited in claim 33 wherein the first anvil cylinder nipping surface has a urethane outer coating.

Claim 36: The cutter as recited in claim 33, further comprising:

a second cutting and nipping device for cutting and nipping the web, the second cutting and nipping device having:

a second cutting cylinder, the a second cutting cylinder having a second segmented cutting blade with axially spaced second blade edges and a second cutting

cylinder nipping surface extending circumferentially about the second cutting cylinder from the second blade edges; and

a second anvil cylinder, the second anvil cylinder having a second anvil cylinder nipping surface extending circumferentially about the second anvil cylinder;

the second cutting cylinder nipping surface and the second anvil cylinder nipping surface providing a second nip for the web about the second segmented cutting blade.

Claim 37: The cutter as recited in claim 36 wherein the second cutting cylinder nipping surface has a urethane outer coating.

Claim 38: The cutter as recited in claim 36 wherein the second anvil cylinder nipping surface has a urethane outer coating.

Claim 40: A cutting and nipping device for cutting and nipping a web, comprising:

a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade, the first cutting cylinder nipping surface being urethane.

## **APPENDIX B**

### Evidence Appendix under 37 C.F.R. §41.37(c)(ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

[6001.1040]

## **APPENDIX C**

### Related proceedings appendix under 37 C.F.R. §41.37(c)(x):

As stated in “2. RELATED APPEALS AND INTERFERENCES” of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board’s decision in this appeal.